higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

INTRODUCTION TO LAW
NQF LEVEL 2

(8021002)

2 March 2020 (Y-paper)
13:00–16:00

This question paper consists of 8 pages.

165Q1S2002

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TIME: 3 HOURS
MARKS: 100

NOTE: If you answer more than the required number of questions in SECTION D, only the first question will be marked. All work you do not want to be marked, must be clearly crossed out.

INSTRUCTIONS AND INFORMATION

1. Read all the questions carefully.
2. Answer all questions in SECTION A, B & C.
3. Answer only ONE of the two questions in SECTION D.
4. Number the answers according to the numbering system used in this question paper.
5. Leave a space and rule of across the page on completion of each question.
6. Write neatly and legibly.

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SECTION A

QUESTION 1

1.1 Various options are given as possible answers to the following questions. Choose the answer and write only the letter (A–D) next to the question number (1.1.1–1.1.5) in the ANSWER BOOK.

1.1.1 Indicate which one of the following statements is correct:

A The law of persons is that part of private law that deals with the legal position of people and things that have legal capacity.
B The law of persons is not that part of private law that deals with the legal position of people and things that have legal capacity.
C A legal person is a legal object that is a person (like a company), but has duties like a living person.
D A and C

1.1.2 Choose the most correct statement:

A Legal subjects are people or things that don't have rights and duties according to the law.
B A natural person gets his or her legal personality when born, and their legal personality ends when they die.
C A and B
D Legal capacity is the impossibility to have rights and duties.

1.1.3 Indicate which of the following statements is incorrect:

A Family law is the part of private law that governs the relationship between a husband and wife.
B Family law is the part of private law that governs the relationship between a parent and child.
C A marriage is a contract and neither party needs capacity in terms of the law to marry.
D A and B.

1.1.4 Which statement is incorrect?

A Both parties must consent or agree to the marriage.
B You may marry your niece or nephew.
C Public policy does not allow for parents to marry their adopted children.
D A and C

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1.1.5 Choose the most correct statement:

A Movable property is items or things that can be moved without damaging them, like cars, furniture, office equipment, personal belongings and pets.
B Immovable property is land and anything fixed or attached to land, such as buildings and houses.
C A personal right has to do with the interest that a person has in a material thing.
D A and B

(5 × 1) (5)

1.2 Choose a description from COLUMN B that matches a/an item/word in COLUMN A. Write only the letter (A–J) next to the question number (1.2.1–1.2.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
1.2.1	Estate agent	A	to take legal action against them, because one of your rights has been infringed
1.2.2	Servitude		
1.2.3	Liabilities	B	what you owe, debts
1.2.4	Testator	C	the place where formal contracts, particularly sales of land, are recorded
1.2.5	Unjustified enrichment		
1.2.6	Delict	D	an unlawful act by one person that causes injury or loss to another person
1.2.7	To sue someone		
1.2.8	Deeds office	E	a person selling immovable property on behalf of the seller
1.2.9	Delict	F	a person who makes a will
1.2.10	Self-defence	G	a special kind of right that one person has over the property of another, like a right of way
		H	a situation where someone has profited at the expense of another person
		I	when a person commits a wrongful act in order to prevent death or injury
		J	the unlawful action of a person that causes another person (the victim) to suffer damage or loss

(10 × 1) (10)

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1.3 Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'True' or 'False' next to the question number (1.3.1–1.3.10) in the ANSWER BOOK.

1.3.1 A mutual mandate means to be part of an agreement made by another partner in a partnership.

1.3.2 A public company must have at least seven members and it may offer its shares to the public.

1.3.3 A close corporation is made up of buildings and has a legal personality.

1.3.4 Sequestration is the legal process where a natural person is declared insolvent by a court, and a trustee takes over all his/her assets.

1.3.5 Two kinds of negotiable instruments exist, namely promissory notes and bills of exchange.

1.3.6 You may insure the contents of your home against the risk of a fire or theft.

1.3.7 The tax year for individuals in South Africa stretches from 1 January to 31 December.

1.3.8 Two essential elements to employment contracts are that the parties don't have to agree on specific work and both parties must agree on the payment.

1.3.9 Immaterial property law is also known as Intellectual or industrial property law.

1.3.10 A patent is illegal protection for your invention so that no one else can copy it.

(10 × 1) (10)

1.4 Give ONE word/term for each of the following descriptions. Write only the word/term next to the question number (1.4.1–1.4.5) in the ANSWER BOOK.

1.4.1 The law dealing with civil disputes. It covers the relationship between private parties.

1.4.2 The law dealing with crimes and the punishment of crimes.

1.4.3 The court which receives and investigates complaints about the failure to pay maintenance and can make orders to payments of maintenance.

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1.4.4 The person who represents the state in criminal cases and who makes the case against the accused.

1.4.5 The person who is responsible for the smooth running of the High Court, like organising the court roll and issuing court documents.

(5 × 1) (5)
[30]

TOTAL SECTION A: 30

SECTION B

QUESTION 2

Read the extract below and answer the questions.

The history of indigenous law and its place in the legal system has been well established in South Africa over years. Different systems of indigenous law can be in conflict, but the courts deal effectively with these.

2.1 Discuss the general characteristics of indigenous law. (5)

2.2 What are the THREE sources of indigenous law? (3)

2.3 Discuss indigenous law and marriage. (4)
[12]

QUESTION 3

Different steps are involved when a charge is read in a criminal court.

Explain what is meant by *reading of the charge*. **[8]**

TOTAL SECTION B: 20

SECTION C

QUESTION 4

Read the extract below and answer the questions.

> Law and legal rules are important for every country to sustain itself. This will ensure that people can live in harmony and peace. In South Africa we have legal rules, common law, law, morality and justice. Common law has an important role in our society as it applies to many aspects such as contracts and to help with the interpretation of laws. Statutory laws are designed to make the functions and roles of the government clear and to improve civil order. Customs also play an important role in modern business law and international trade law.

Describe common law crimes with reference to the role of common law. **[5]**



QUESTION 5

5.1 Provide THREE examples of legal rules. (3)

5.2 Describe the conflict between sources of law referring to the role of statutes in South Africa. (5)

5.3 Briefly explain what the following are:

5.3.1 Law (4)

5.3.2 Morality (4)

5.3.3 Justice (4)



5.4 Discuss customs in business law referring to the role of customs. (5)

[25]

TOTAL SECTION C: 30

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SECTION D

QUESTION 6

The consequences of marriage are divided into personal consequences and patrimonial consequences. Personal consequences affect a person's legal status and patrimonial consequences have to do with money and property.

6.1 Discuss marriage in community of property. (10)

6.2 Discuss marriage out of community of property. (10)
[20]

OR

QUESTION 7

The South African Constitution was finalised in 1996 and it established a democracy in South Africa. According to the Constitution, the state is made up of three authorities and South Africa also has three levels of government.

7.1 Name the THREE authorities and provide their purpose as well. (6)

7.2 What are the THREE levels of government in South Africa? (3)

7.3 Common law crimes are divided into FIVE categories.

Name these categories and explain each one. For an extra mark, also provide an additional example for any of the categories mentioned. (11)
[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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